Paper No. 51

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SEAN HANDEL, BRIAN DAY and MIYA YUEN

Appeal No. 2003-1839
Application 09/195,852

ON BRIEF

Before FLEMING, GROSS, and BLANKENSHIP, **Administrative Patent Judges.**

FLEMING, **Administrative Patent Judge.**

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1, 2, 5, 6, 8 through 12, 15, 16, 18, and 19, all the claims pending in the instant application. Claims 3, 4, 7, 13, 14, 17, and 20 have been canceled.

Invention

The invention relates to agent based systems for providing a user interface that facilitates sharing of information from any Internet enabled device. See page 1 of Appellants'

specification. The system provides one central storage place for a person's profile. This storage place is a server available through the public Internet, accessible by any device that is connected to the Internet and has appropriate access. A personal digital assistant with Internet access can synchronize the person's calendar, email, contact list, task list and notes on the PDA with the version stored in the Internet site. See page 76 of Appellants' specification. This enables the person to only have one version of the data in order to have it available whenever it is needed and in whatever format that is needed. Figure 17 presents the detailed logic associated with the many different methods for accessing this centrally stored profile. See page 77 of Appellants' specification.

Independent claim 1 is representative of the claimed invention and is reproduced as follows.

1. A method for sharing a centralized profile, comprising:

(a) obtaining user profile information;

(b) obtaining at least one Activity from a user device, and wherein an Activity is a calendar, email, contact list, task list, or note;

(c) storing the user profile information and the Activity in a centralized, Internet-accessible database;

(d) providing a user access to the database from an Internet enabled device for allowing the user to alter the user profile information and to access the Activity;

(e) receiving permission from the user to allow a third party to access a public subset of the user profile information;

(f) providing the third party access to the public subset of the user profile information on the database;

(g) receiving content from the third party related to the Activity;

(h) storing the content from the third party in the database; and

(i) synchronizing the database and an Internet enabled device so that the database and the Internet enabled device both contain the content and the Activities previously stored either on the Internet enabled device or on the database.

References

The references relied on by the Examiner are as follow:

Chrabaszcz	6,202,083	Mar. 13, 2001 (filing date May 18, 1998)
Harris et al. (Harris)	6,331,972	Dec. 18, 2001 (filing date Feb. 3, 1997)

Rejection at Issue

Claims 1, 2, 5, 6, 8 through 12, 15, 16, 18, and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Chrabaszcz in view of Harris.

Throughout our opinion, we make references to the briefs[1] and the answer for the respective details thereof.

OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of Appellants and the Examiner, for the reasons stated **infra**, we reverse the Examiner's rejection of claims 1, 2, 5, 6, 8 through 12, 15, 16, 18, and 19 under 35 U.S.C. § 103.

In rejecting claims under 35 U.S.C. § 103, The Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). **See also In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming

[1] Appellants filed an appeal brief on February 24, 2003. The Appellants filed a reply brief on June 5, 2003. The Examiner mailed out an office communication on June 12, 2003, stating that the reply brief has been entered.

forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). With these principles in mind, we commence review of the pertinent evidence and arguments of Appellants and Examiner.

Appellants argue that Chrabaszcz and Harris fail to teach or suggest providing third party access to a public subset of user profile information on a database and receiving content from the third party related to the activity. See pages 7 through 10 of the brief and pages 2 through 5 of the reply brief.

We note that the only independent claims before us are claims 1, 10, and 11. Claim 1 recites

> A method for sharing a centralized profile, comprising: (a) obtaining user profile information; (b) obtaining at least one Activity from a user device, and wherein an Activity is a calendar, email, contact list, task list, or note; (c) storing the user profile information and the Activity in a centralized, Internet-accessible database; . . . (f) providing the third party access to the public subset of the user profile information on the database; (g) receiving content from the third party related to the Activity; (h) storing the content from the third party in the database; and (i) synchronizing the database and an Internet enabled device so that the database and the Internet enabled device both contain the content and the Activities previously stored either on the Internet enabled device or on the database.

We note that independent claims 10 and 11 recite similar language.

The Examiner agrees that Chrabaszcz does not teach providing third party access to a public subset of user profile information on a database and receiving content from the third party related to the activity. See page 5 of the Examiner's answer. The Examiner relies on Harris for this teaching. See pages 5 and 6 of the answer.

Upon our review of Harris, we fail to find that Harris teaches obtaining at least one activity from the user device, where the activity is a calendar, email, contact list, task list or note, providing the third party access to a public subset of

the user profile on the database and receiving content from the third party related to the activity as recited in Appellants' claims. Upon our review of Harris, we fail to find any teaching or suggestion that the content received from the third party is related to an activity, where an activity is a calendar information, email message, contact information, task information or notes as recited by Appellants' claims. Furthermore, we fail to find that Harris discloses or suggests a third party having access to user profile information on the user accessible database as recited in Appellants' claims.

In view of the foregoing, we have not sustained the Examiner's rejection of claims 1, 2, 5, 6, 8 through 12, 15, 16, 18, and 19 under 35 U.S.C. § 103.

REVERSED

MICHAEL R. FLEMING)
Administrative Patent Judge)
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ANITA PELLMAN GROSS) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
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) INTERFERENCES
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HOWARD B. BLANKENSHIP)
Administrative Patent Judge)

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Oppenheimer Wolff & Donelly, LLP
Plaza VII, Suite 3300
45 Street Seventh Street
Minneapolis, MN 55402-1609